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10/602,988

06/25/2003

Anthony J. Wasilewski

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08/21/2006

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EXAMINER

CHAI, LONGBIT

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,988

Applicant(s)

WASILEWSKI ET AL.

Examiner

Longbit Chai

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Original application contained claims 1 – 12. Presently, pending claims are 1 – 12.

Response to Arguments

1. Applicant's arguments with respect to the subject matter of the instant claims have been fully considered but are not persuasive.
2. As per claim 1 and 7, Applicant asserts that Wasilewski does not teach encrypting the selected digital bit stream according to a second encryption method to provide a second encrypted stream. Applicant's arguments have been fully considered but are not persuasive because Examiner notes the first encryption method and the second encryption method are merely considered, for example, as applying the encryption method on different crypto-cycle of the selected data stream in order to produce first and second encrypted stream; where each of the crypto-cycle may constitute of any number of frames on the selected data stream (Wasilewski: Column 5 Line 42 – 50) – i.e. the claim does not recite that the first method must be methodologically different from the second method.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Wasilewski (U.S. Patent 5,418,782).

As per claim 1 and 7, Unger teaches a method for providing a program in a conditional access system, the method comprising the steps of:

selecting a digital bit stream from a plurality of digital bit streams (Wasilewski: Figure 1 and Column 4 Line 58 – Column 5 Line 7);

encrypting the selected digital bit stream according to a first encryption method to provide a first encrypted stream (Wasilewski: Column 4 Line 65 – 67: one or more service components, such as video (V), audio (A), and data (CC) can be encrypted / or not-encrypted prior to transmission – i.e., any part of transport stream can be encrypted);

encrypting the selected digital bit stream according to a second encryption method to provide a second encrypted stream (Wasilewski: Column 4 Line 65 – 67 Column 5 Line 42 – 50: one or more service components, such as video (V), audio (A), and data (CC) can be encrypted / or not-encrypted prior to transmission – i.e., any part of transport stream can be encrypted. Examiner notes the first encryption method and

the second encryption method are merely considered, for example, as applying the encryption method on different crypto-cycle of the selected data stream in order to produce first and second encrypted stream; where each of the crypto-cycle may constitute of any number of frames on the selected data stream – i.e. the claim does not recite that the first method must be methodologically different from the second method);

multiplexing the first encrypted stream, the second encrypted stream, and the plurality of digital bit streams to provide a partially-encrypted stream (Wasilewski: Figure 1 Element 16 and Column 4 Line 65 – 67); and

transmitting the partially-encrypted stream (Wasilewski: Figure 1 Element 16 and Column 5 Line 4 – 15: by multiplexing the service component bit streams).

As per claim 2, Wasilewski teaches a portion of the selected digital bit stream is encrypted, wherein the encrypted portion and an unencrypted portion of the selected digital bit stream are combined with the plurality of digital bit streams (Wasilewski: Column 4 Line 65 – 67, Figure 1 Element 16 and Column 5 Line 4 – 15: by multiplexing the service component bit streams).

As per claim 3, 6, 9 and 12, Unger teaches the selected digital bit stream includes a plurality of packets, and wherein each packet includes a packet identifier identifying whether the packet is at least one of a video stream, an audio stream, and a data stream (Wasilewski: Column 13 Line 57 – Column 14 Line 16 and Figure 1 Element 16).

As per claim 8 (and claims 4, 5, 10, 11 and 12), Unger teaches each of the plurality of elementary bit streams includes a plurality of packets, wherein each packet includes a packet header that is indicative of at least one of a video stream, an audio stream, and a data stream (Wasilewski: Column 13 Line 57 – Column 14 Line 16 and Column 4 Line 58 – 60).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


LBC

Longbit Chai
Examiner
Art Unit 2131

CHRISTOPHER REVAK
PRIMARY EXAMINER

 8/19/06